cent.

thorities of their own choice, partly (in Bosnia) converted to the faith of the conqueror, the Slavenian race has, in that country, maintained er conquered political existence in two locali-The one is Serbia, the valley of the Morava, a province with well defined natural lives of frontier, which played an important part in the history of these regions six hundred years ago. Subdued for a while by the Turks, the Russian war of 1809 gave it achance of obtaining a separate existence, though under the Turkish supremacy. It has remained ever since under the immediate protection of Russia. But, as in Moldavia and Wallachia, political exist-ence have brought on new wants, and forced upon Serbia an increased intercourse with Western Europe. Civilization began to take root, trade extended, new ideas sprang up; and thus we find in the very heart and stronghold of Rassian influence, in Slavenic, orthodox Serbia, an anti-Russian, progressive party, (of course, very modest in its demands of reform,) headed by the ex-Minister of Finances Garashanin.

There is no doubt that, should the Greco Slavenian population ever obtain the mastery in the land which it inhabits and where it forms three-fourths of the whole population (seven millions,) the same necessities would by and by give birth to an anti-Russian, progressive party, the existence of which has been hitherto the inevitable consequence of any portion of it having become semi-detached from Turkey.

In Montenegro, we have not a fertile valley with comparatively large cities, but a barren mountain country of difficult access. Here a set of robbers have fixed themselves, scouring the lains and storing the plunder in their mountain fastnesses. These romantic but rather uncouth gentlemen have long been a nuisance in Europe. and it is but in keeping with the policy of Russia and Austria that they should stick up for the rights of the Black Mountain people (Tserno-gorgi) to burn down villages, murder the inhabitants and carry off the cattle. KARL MARX.

Arrival of the El Borndo.

The steamer El Dorado, Capt. J. F. Schenck, arrived on Wednesday morning from Aspinwall on the 26th of March, and Havana April 1.

The El D. passed, April 1, going in to Havana, ship Sagadohoc, of Bath, Maine-wished to be

broken her port crank pin; was repairing; would have in one or two days for New-York. The following persons came passengers in

She left at Aspinwall, steamer Union, having

the El Dorado.

A. W. Sweet, Capt. S. Tyler, Mr. Domasson, Mr. Gonnalles, Pedro
Etchneudy, Jss. Ashworth, Jss. Garton, J. Baker, J. K. Inglead, J.
Gabes, A. W. Smith, Thos. H. Winnesey, Thos. Stringer, H. H.
Crane, B. Stoneburner, H. R. Towers, L. D. Pomietto, L. Hesse, J.
F. Bogardus

We are indebted for favors to W. H. Boyle, Esq., Purser of the El Dorado.

FROM PORT-AU-PRINCE .- By the bark Clara Windsor, Capt. Button, we have received advices from Port-au-Prince to March 23. Market for American Pro visions firm. Coffee scarce and high. Doubloons \$2.40 Haytien. The sickness at Port au Prince has somewhat abated. Fifty seamen, twelve captains, ten mates, with as many more foreigners, have died with the fever within the last nine months.

HAVANA.

Santa Ana--Lunding of Slaves-Murders.

HAVANA, Thursday, March 31, 1853. I wrote an extensive communication, intending it for the Empire City, which steamer received her mail before I was aware of her arrival. I sent the letter per the Black Warrior, which left this morning now I find that the El Dorado leaves to morrow morning, which requires me to let you know that I am well. I am only able to give you a synopsis of my former dispatch, as my time will not permit me to go into

Gen. Santa Ana touched here on his way to Mexico, and took some Spanish officers with him. An empire is to be established in Mexico. Many superior officers of the Spanish army have asked for leave of absence,

and will soon proceed to Mexico. Large numbers of negroes have been landed since I last wrote, and now, to make a show of putting down the trade, some blacks have been taken, and arrests

have been made in Matanzas. Two or three ships have arrived from Spain with

The Devastation suddenly left Havana on the 29th inst. It was intended that she should be overhauled; on of her unexpected departure is not known The Parody, that once sailed between New-York and this port, brought one of the last cargoes of negroes.

It is said she was sold in Spain, and thence went to the The Spaniards are again trembling, as they are expeeting, by accounts received, to lose the island before

Murders are quite frequent at present, no less than five were committed two days since, and there is a band of what are termed robbers, in the country, not far from Havana, consisting of upward of a hundred persone, that sets all the authorities at defiance. They have killed a great number of Spaniards.

The fate of the Cuban prisoners is to day as much a mystery as ever; two days since it was said they were

The Saranac is in our barbor.

Mr. Cooley on Modern Democracy. The report of Mr. Cooley's reply to Mr. Mc-Murray and others, on the Canal questions, was necessarily emitted in our morning report of yesterday's Legislative proceedings for want of room. It is ass

follows:

Mr. Cooley (Dem.) took the floor, and after reviewing the course which he had taken heretofare in debate, remarked that the malicious attacks upon him by a venal press, pampered by State officers, and perhaps stimulated by higher authority, now claimed his attention. Scarcely was his speech delivered than at the bar of Congress Hall, smid the steam of hot drinks and the tumes of tobacco, arose the proclamation that the Sentence of the congress of t tobacco, arose the proclamation that the Sen-n the First and Second, (Measrs, Cooler and), were to be annihilated and driven out of the ic party. The drinks were server, and the Democratic party.

measure grew stronger—the revels were louder; at last
the Senator from the Third, (Mr. McMurray,) planting
threadf upon the Barnburner battery, commenced his the Sensior from the Third, (Mr. McMurray,) planting himself upon the Barnburrer battery, commenced his assault. Froclamation had been made of the time and place of the conflict. The war whoop was raised, and the war cry rang over the battery adopted by the Senator from the Third District. But the powder lacked Seaster from the Third District. But the powder sacked—the guns fell short of their work. The impregnable position of the Senators from the First and Second District was invincible; the guns were too light—not of the right calibre. There was too much flashing in the pan. The sttack falled. He (Mr. C) stood unburt and anbent. The old isshioned Democratic banner floated as ever. Here he stood, faithful to the pledges of the party—to the Union—to the great interests of the courty, a foc to all deserters. Hudibras has chronicled the history of just such assaults as had been made against him—

"The gun, well ansed at dack or places."

The Senster from the Third was sold to the Barnburters, and the bargain was not a good one. Mr. C. then proceeded to review very severely the speech delivered by Mr. McKarray. Evidently that speech was considered as the voice of windom—all that the day and the occasion would require. That Senstee had proved, (by Gulliver's Travels) that by toll and taxation the canals would be finished in five hundred years! Nor canals would be finished in five hundred years! Nor had be failed to say that a cat may look at a king. If the following his passibled the personal character of Michael Hofman. It was his whimsicalities of finance, which have ted nine-tenths of intelligent people to believe him a singularly gifted monomeniac. Mr. Hofman, by the quotations from his speeches, can be proved to have been mad—mad as a March hare, on finance. No same man would have talked as he did about the noble system of internal improvements when that very system—those canals—were and personal property of the State at the beginning of the century. Talented as was Mr. Hodinan, he was not a wise man. His influence was highly detrimental to the public interests—his policy had lost millions to the State. Acceding to him all bonesty of purpose, he was yet a financial monomaniae. The Senator from the Third, and a worse teacher for the Senator from the Third, and a worse teacher for the Senator from the Third. Hence the miserable management of all questions of finance by the Committee of Finance, that Committee never having been called together. He takes his cue having the country of the said principal, or to pay any

ATMOSPHERIC TELEGRAPH —An exhibition was made at a room in the Merchants' Exchange, on Stordsy, of a new machine invented by Mr. J. O. Richardson, by which he claims that letters can be transported from this city to New-York in files minutes. The means of convenance is a tube. The package to be conveyed is placed in a beg to which a plunger is attached and is propelled by atmospheric pressure, the machinery being so arranged that no air can pass he plunger. The model exhibited was a leaden tube, twen ty feet long and one inch in diameter. It is stated that an Atmospheric Telegraph Co. is formed, and that a line is to be creeted between this city and New York, with stations at all the large places between the two cities.

[Boston Traveler.] upon a with thoplan scheme for the benefit of Africa. The Sensiter cut the meddling Controller, then leeked away from the treasury to the mountains of the Meen. But now the cry is that the treasury is bankrupt, as Michael Hoffman called it in 1842. Mr. C. then alludd to the bonds of the State protested in Wall at —protested by the Manhattan Bank. The Senator from the Third is on his lofty Usocian-African platform, and is only now what he in reality was at the last session, a bitter enemy of the canals, as his two days speech must have proved him to the world. Mr. C. then alluded to Mr. McMarray's remarks in 1843, concerning casals—that the only canals in New York were the sewer in Canallet, and the subterranean pipes of the Groton. The opposition of the Senator from the Third to the canals, may be the legitimate represent into, the opinions of his peculiar constituency. The enlightened, enterprising, commercial part of the critizens of New York are shocked at the course of the Senator from the Third. They see how fatal his course is to the very best interested the commercial world. Evidently that Senator was unacquisinted with the springs and fountains of the commercial metropolis. Mr. C. uraqu that he and the Senator from the Second (Mr. Vanlerbilt) represented a people who though they do live on a seaght island, are honest and worthy—sneered atthough they have been by the Senator from the Third, as boatmen and oystermen. Either that Senator has misrepresented them by design or by ignorance. One single individual of his constituency, Mr. H. Aspinwall, an bonored name, known in all parts of the earth wherever intelligence and honor are known, is of more worth than all the peculiar

upon a wild thopian scheme for the benefit of Afri-

known in all parts of the earth wherever intelligence

of his constituency, Mr. H. Aspinwall, an honored same known in all parts of the earth wherever intelligence and honor are known, is of more worth than all the peculiar constituency which is possessed by the Senator from the Third—and Mr. Aspinwall is but one of themsands. The people know the worth to the commerce of New York of great Canals, and will aspreciate the labors of the advocate that great interest. Mr. C. saids he was accused of standing slone—alone and deplorable. He thought he enjoyed his lonely, forforn and desolate position as well as did the Senator from the Third, with all his Barnburner hosts clustering around him—his offices in present—his high histors in expectancy. He did not desire to interfere with that Senator. Let him stand on his platform with his Barnburners—with the stock flag of taxation and tolle—Buffalo Platform and Utopian African schemes—rised to his had eminence by his desertion of his party pledges, and of the commercial interests of the great city. But it is not for him to denounce the constituency whe live in the first Senatorial District. That honest, true hearted and intelligent people shall be deserted.

uency whe live in the first Senatorial District. That honest, true hearted and intelligent people shall be defended so long as he (Mr. C.) had a voice with which to speak their eulogy. It will be enough for the Senator from the Third to settle with his own constituency, whose great interests he has so abused and disregarded. As to "standing alone"—he stood with his old Democratic companions—the men of many struggles—he stood with three-fourths of the Senate. He stood with the people, while the Senator from the Third stood

the most hollow hearted, treacherous, mischevous, outrageous party that ever the Democracy had to contend
with. He might better have been put upon a lone island
in the midst of the sea, with a treacherous ocean about
him. What was the position of the Baraburners, the
Atlas clique, and of John C. Wright, a renegade Wnig,
who professed to join the Democratic party, and whose
present position it is impossible to find? Mr. C. then
proceeded to review the Senatorial course of the Senator from the Hild, as evidenced by the journals of the
Senate of last session, while this session finds him in
favor of the Herkimer humbug of toils and taxation.
The song is changed. He has now taken his tune out
of the Herkimer collection—[Sensation among the audience]—and sings the agreed song of taxation. Mr. C.
indicated his own course as having been the same which
he had begun at the last session. He had introduced
joint resolutions in relation to the Canal, which had
passed the Senate, and which were twice defeated in
the Assembly by the treachery of the Speaker, who, in
the presence of honorable men, had twice promisel
to vote for them, but who had given what he ignorantly called his casting vote, against them—a political ingrate as he was. But he had done with the
Senator from the Hild. He would say, as Uncle Toby
did to the fly, "Go—get thee gone—the world is wideenough for thee sam me."

Senator from the IIId. He would say, as Uncle Poby did to the fly, "Go-get thee gone—the world is wide enough for thee and me." Mr. C. then took up Mr. Controller Wright, and sent up to the Clerk the pledges subscribed by the candidates for State officers before election. Here is the pledge, violated and disregarded in every particular. Wright and some others above named, attached to this place, are the bitter enemies of the canals, and in their hostility they include all those accordance differ from them, will attempt to turn them.

ideas differ from them, will atttempt to turn the

the canals, and in their hostility they include all those whose ideas differ from them, will attempt to turn them out of the Democratic party. Let these honorable gentlemen write a letter—we will see who goes first. For himself, he felt on fire at being turned out of the Democratic party by John C. Wright or any other political renegade. The plans hereofore put forth by The Atlas were examined. Newspapers must, like individuals, stand or fall like individuals, by their truth and tair dealing. He knew more of the conductors of The out looking to the newspapers. Last year The Atlas praised him. This year it abused him. One is an offset to the other; neither amounts to anything at all. That redoubtable pillar of the party, and its learned editors, must settle it for themselves. Mr. C. then proceeded to reply to the Senator from the Xth, (Mr. Pierce,) who, he regretted, was out of his place from sickness. He reviewed what he characterized as that Senator's ten days' boisterous railing and ranting, and his fabulous report. The Senate could not but recollect the Slamses eulogy of Henry Clay, got up by that Sena-

sickness. He reviewed what he characterized as that Senator's ten days' boisterous railing and ranting, and his fabulous report. The Senate could not but recollect the Siamese culogy of Henry Clay, got up by that Senator and another Member of the Senate, for buncombe, at the time of the presentation of the Clay medal. Mr. Clay got on pretty well under their abuse, while living, and his memory has not been much affected by their affected eulogy when dead. The Senator from the Xth, having Mr. Clay's name among his budget of stump

having Mr. Clay's name among his budget of stum phrases, brought out his remains, with those of General Hamilton, to use in his speech, abusing the dead. But this is a matter of taste, and the score of taste no one is to be read out. But the report of the Senator from the Tenth and his Barnburnes triends demands some attention. Perhaps no other State or age has witnessed such a document. Professedly discussing a vast question, interwoven with all the

State or sge has witnessed such a document. Professedly discussing a vast question, interwoven with all the greatest good of society, it treats it with such outrageous, bombastic nonsense as was never before witnessed. He never saw anything to compare with it for a bud temper and unfainness. Evidently it was got up by those who, up in a rat haunted garret, with a few scattered type and a broken Raunage press, untertake to read geutlemen in and out of the Democratic party as they in their sublime wisdom dictate. He did not believe that even Mr. Holfman entertained the abaurd lides that the willies their of constitution making had been

have that even Mr. Hollman entertained the absurd idea that the ultima thate of constitution-making had been reached. He was a man of too much good sense for that. Among the great, the inherent, the sacred rights guaranteed in the Constitution, is the right to amend the Constitution.

Here the Clerk, at the request of Mr. Cooley, read

Article 13, Section 1, of the Constitution, giving the

power to amend, when the hour of 12 having arrived,

afternoon Mr. Cooley resumed and concluded his re-

The following is Mr. Cooley's substitute for Mr. Van-

derbilt's original proposition to amend the Constitution,

which was adopted by the Senate at the evening ses-

which was adopted by the Seante at the evening session of Tuesday by a vote of 20 to 5.

Revolved. If the Assembly concur, that the following amendments be proposed to the Constitution of this State: that the same be referred to the Legialature to be chosen at the next election of Senators, and be-published for three months previous to making such choice in conformity with section I of article 15 of the Constitution.

Strike out the third section of article seventh of the Constitution, and insert the following instead thereof. Section 3. After paying the expenses of Superintendents and Repairers of the Canals and the sum appropriated by the first and second sections of the seventh article of the Constitution, there shall be paid out of the surplus revenues of the Canals and seed the constitution, there shall be paid out of the surplus revenues of the Canals shall be applied in such manner at the Legislature shall direct to the completing of the Free Canal Enlarement, and of the Genesee Valle and Black River Canals, shall be applied in such manner at the Legislature shall direct to the completing of the Eric Canal Enlarement, and of the Genesee Valle and Black River Canals, and for the enlarement of the Oswago Canal, and of the Cayuga and Sounce Canal, and to the repartment of the bear completed, and the sean complished, the remainder of the Canal revenues, after paying expenses of collection, superintendence and repairs, shall have been completed, and the said canals finally be finished, and the other canals aforement and the said object the appropriation for the expenses of government and the said canals beautiful be finished, and the other Canals aforement and the said canals and the said canals and the said canals and the capenday of the said canals and the said canals and the capenday of the said canals and the said canals and the other canals aforement and the said canals as a free the said canals an

and the Senate went into Executive Sassion.

sion of Tuesday by a vote of 20 to 5.

Decision of Judge Morris in the Case of Hicks. In the matter of John J. Hirks on Habeas Cornas, before Rose, M. Morre, Justice of the Supreme Court.

The prisoner, John J. Hicks, is before me

upon the return of a Habeas Corpus issued to the Sheriff the City and County of New-York. The Sheriff returns that John J. Hicks is in custody and retained by virtue of a commitment of the Recorder of the City of New-York, a copy of which Sheriff Orser attached to his return. The important part of

said commitment is contained in the following extract "Whereas on the 21st day of March, 1833, before the Recorder, personally appeared A. C. Flagg, Controller of the City of New-York, and made complaint that certain criminal offenses, to wit, criminal frauds upon the Corporation of the City of New-York, and the obtaining, by craminal means, moneys from the Treasury of the eadd City, had been committed in the City of New-York by divers persons unknown, and thereupon on the day and year aforesaid and various subsequent days, I examined on oath the said complainant and certain witnesses produced by him touching the matters embraced in said complaint, and upon such examination it satisfactorily appeared to me that John J. Hicks was a material and necessary witness on behalf of the People of the State of New-York in relation to said alleged criminal offenses, &c. On the 26th of March, 1853, Issued a subpenn to the said John J. Hicks, commanding him to appear before me, &c., on the 28th of March, &c., to give evidence in relation to said complaint, which said subpena, as proved by the admission of said Hicks, was duly served, &c., on the 28th of March." On the 28th of March in pursuance of an attachment issued by me to enforce utendance upon said subpenn, which he had Whereas on the 21st day of March, 1853, before the of March in pursuance of an attachment issued by me to enforce attendance upon said subpens, which he had of March in pursuance of an attachment issued by mic to enforce attendance upon said subpenn, which he had refused to obey, having been brought before me, &c., the said John J. Hicks was then and here requested and directed by me to be sworn and testify the truth of all matters within his knowledge relating to said complaint; and being so required and directed the said John J. Hicks positively and wiffully refused to be sworn and to testify in said matter of complaint, or his knowledge thereof. He was ordered to show cause on the 23th of March why he should not be sworn and testify or stand committed. On the 29th of March he appeared, and no sufficient or legal cause having been slightly of this so refusing in such refusal, and having been adjudged by me to be guilty of a criminal contempt in so refusing and continuing to refuse, now, thereefore, you are hereby commanded to take the body of the said John J. Hicks and for the convey him to the Common Isil of the City of New-York and you, the Keeper of said Jail, are hereby required and commanded to receive the said John J. Hicks and him safely keep in close custody until he shall submit to be sworn and testify in said matter or until he shall be discharged. stood with three-fourths of the Senate. He stood with the people, while the Senator from the Third stood on the Barnburner platform, soon to be swept away by an indignant peeple. He would far rather stand alone than to be with those who desert their party. He would wish to be delivered from such aid, comfort and company. The test of standing alone seems to be, not to be found in the company of the will-of the wisp course of the Senator from the Third. Why, he has gone off from those with whom he once professed to act—gone over to the Barnburner platform. Benedict Arnold thought Washington lonely—the American army desolate and alone. The Senator from the Third is the only national Democrat who has deserted his colors and gone over to the most bollew hearted, treacherous, mischievous, outrageous party that ever the Democracy had to contend with. He might better have been put upon a lone island in the midst of the sea, with a treacherous ocean about manded to receive the said John J. Hicks and him safely keep in close custody until he shall submit to be sworn and testify in said matter or until he shall be discharged

our-e of law. To this return of the Sheriff, the prisoner, John J. Hicks, in accordance with the authority of 50 Section of the act in relation to proceedings upon Habeas Cor pus, (2d, R. S., 569,) denied that Recorder Tillou had obtained jurisdiction of a subject matter, so as to authorize that officer to issue the subpens and attachment, and to adjudicate the contempt, and issue the commit ments mentioned in these proceedings.

As these proceedings have very properly excited public attention, as the subject matter of the investigation pending before Recorder Tillou, (if such subject matter exists.) is of vital concernment to the well being and reputation of the City and her citizens, and as it is most desirable that our fellow citizens should know the powers of Judges of the highest judicial jurisdiction, in examinations to detect the commission of crime, and cause the arrest of offenders, and to know the duty of all Judges, whether of the same or even of a less general judicial jurisdiction by Habeas Corpus-in fact, to reverse the proceedings of the Judge conducting the examination-I will present for the information of my follow-citizens the powers of these apparently conflicting magistrates, though all I say may not strictly apply to the case under considera-

The Statutes of our State, and particularly Title 23 of Chapter 2 of Part 4th of the Revised Statutes, found at page 706, 2d Ed. of the Revised Statutes as altered by the Constitution of 1846, and the Judiciary acts passed under that Constitution, gives to the persons for the time being holding the following offices, power to usue process for the apprehension and detention of persons charged with the commission of offenses, viz Justices of the Supreme Court, Judges of the Superior Court of Law of the City and County of New-York, Judges of County Courts, our City Judge, Mayors, Re-corders and Aldermen of Cities, Special Justices and Assistant Justices of the City of New-York, Justices of the Peace appointed for any city and elected in any town, and to no others. Each of these officials, in performance of the duty of causing the arrest and con ducting the examination of a person charged with the commission of an offense, has no more power than the other. The Presiding Justice of the Supreme Court, in these matters, has no more power than the Justice of the Peace.

Each of these officials must gain jurisdiction in the same manner, viz., by the presentation to them of facts showing either the commission of an offense, or such facts as tend to show that an offense has been committed. These facts may be established either by the oath of a complainant, or if the Magistrate saw the facts which tended to show a criminal offense had been committed, he may enter a statement of them in his proceedings, and upon them issue his subpens. If he saw the facts he may issue his subpens without entering a statement of them in his proceedings, though as he is obliged to prove his jurisdiction, it is prudent for him to enter them. After such facts have been proved and the Magistrate's jurisdiction thus established, he may issue subpenss to witnesses requiring their attendance and obliging them to give evidence. If witnesses refuse to attend, they may be arrested on attachment for not attending; and if when thus brought before the Magistrate they refuse to be sworn or to testify, they may be adjudged guilty of a criminal contempt and imprisoned until they will answer, unless they excuse themselves by stating that their answer might tend to criminate themselves. All this may be done before the name of the person who committed the offense has been discovered, and done for the purpose of discovering who committed the offence.

I will now present the obligations and duties of the same named Judges, except such as are Justices of the Peace merely, upon the subject of the writ of habeas

The Constitution, \$4 art. 1, declares "the privilege of the writ of babeas corpus cannot be suspended, unless when in cases of rebellion or invasion, the public safety

may require its suspension. Revised Statutes, 2d Vol. 565, 532-When the Supreme Court or any Justice thereof shall have evidence from any judicial proceedings had before them that any person within the County in which such Court or officer shall be, is illegally confined and restrained in his liberty, it shall be the duty of such Court or officer to issue a writ of habeas corpus or certiorari for his retief, although no petition be presented or application made for such writ.

5.33. "If any Court or Officer, authorized by the provisions of this article, to grant writs of Habesa Corpus or Certiorari, shall refuse to grant such writ when legally applied for, every member of such Court, who shall have assented to such refusal, and every such officer shall severally forfeit to the party aggrieved one

When the prisoner is brought before the Judge who issued the Habeas Corpus, he must discharge the prisoner if the precept upon which he is held is defective in some matter of substance required by law, render-ing such process void. He also must discharge "when the process, though in proper form, has been issued in

a case not allowed by law. "When the jurisdiction of such Court or officer has been exceeded, either as to matter, place, sum, or per-

When the Court or officer had not obtained jurisdiction of both the subject, matter, and of the person of the prisoner; a want of jurisdiction of either the persen of the prisoner, or of the subject matter, compels the Judge to discharge. Upon habous corpus the Judge can only look to the

face of the process upon which the prisoner is committed, and at the question of jurisdiction. If the procees is correct, and the magistrate has either obtained jurisdiction, or the facts show a colorable jurisdiction. the Judge must re commit.

Jurisdiction is where the facts show an offense has been committed. Colorable jurisdiction, is where the

facts proved show a probability that an offense has been uitted, that is sufficient jurisdiction to authorize the magistrate to make the examination, though eventually it should be clearly proved no offense had been committed, or that the person charged was inno-

I will now apply those legal principles to the case

under consideration. The commitment and the at-tachment on their face exhibit no defect in some matter or substance required by law, rendering them void, therefore there is nothing in them requiring me to discharge the prisoner. I have had more difficulty in determining upon the sufficiency of the subpena, but stfit I have come to the conclusion that it is sufficient in substance to require the defendant to appear. It directs him to appear and testify in a certain matter on the complaint of A. C. Flagg, verified by the cath of A. C. Fingg and others, alleging and charging the com mission of certain criminal offenses within the city and county of New-York. "Alleging and charging upon cath the commission of certain criminal offenses, may answer the substance, yet it certainly would have been better to have more definitely described what criminal offenses they were; but I consider it sufficicient. I now come to an examination of the complaint, to see if that gives to the Recorder jurisdiction of a subject matter, or jurisdiction of a probable subject matter. Upon a careful examination of the complaint made by A. C. Flagg, it will be seen that the only facts he swears to from his own knowledge, and which, consequently, are the only evidence, the Recorder can consider, for the purpose of obtaining jurisdiction of a subject matter, or of obtaining jurisdiction of a probable subject matter, are:

pjectmatter, are:
That A. C. Flagg is Controller of the city and inty of New-York, and that as such Controller he county of New-York, and that as such Controller ue has in his custody, care and control, the documents, wouchers and papers, relating to the Finance Depart-ment of the said city."

These facts cer-

These are the only facts he proves. These facts certainly do not show, or tend to show, that a crime has been committed, nor are they facts tending to show that it is probable a crime has been committed. The

complaint then states : "That from the said documents, and from information which he has received from various quarters, which information he believes to be true, frauds to a large amount have been committed upon the public treasury of the said city, which frauds he believes to be criminal is their nature and character."

The complaint does not even show what the documents are the said city.

ments are, or what is their contents; does not state what the information was which Mr. Flagg received from various sources, and the legal opinion seen in the complaint is not that a crime had been committed, but only that the frauds were "criminal in their nature and character," which all frauds are, though all are not criminal. Then follows, "that among them," that is, among the before mentioned frauds which, in Mr Flagg's legal opinion, are "criminal in their nature and character," and which legal opinion he forms from "decuments and information be has received from various quarters." He gives somewhat in detail what one of the instances "purports" to be. The complaint then states: "Deponent says that he has reason to be lieve, and does believe, that various other frauds of a criminal character have been perpetrated upon the said Corporation in the presentation of bills," which not a charge of the existence of a criminal offense, but only of an offense criminal in its nature. This charge, however, Mr. Flagg does not even make upon information, but only upon his belief, and without either facts or information. The complaint then con-cludes with a prayer that the Recorder make full investigation, and that he will proceed to examine into the complaint, and that he will send for proper witnesses-will issue necessary and proper process, &c., against whom legal evidence may be discovered. The prayer of a petition does not give jurisdiction. Facts only give jurisdiction. The prayer only sets forth duty of the Recorder if facts had given him jurisdiction. The statements contained in this complaint are not of the description, or of the efficacy of the case, supposed by the District Attorney. When a man swears to a statement "that he saw two 'men, unknown, dragging a female, who was scream ing for help, along the avenue, and place her in a carriage and drive hastily off with her," -such statement is of facts, tending to show the commission of an offense, and gives the officer jurisdiction, although investigation show it was merely returning an escaped lunatic to the asylum. It is clear that the Recorder, upon the evidence before me, had neither jurisdiction or colorable jurisdiction. I must therefore discharge the prisoner from the commitment.

CITY ITEMS.

1 P Yesterday was our first absolute April Day, beginning with two or three brief, sparkling showers, and ending with a mingling of sunshine and shade from a sky flecked with flocks of fleecy clouds. The evening, however, was rather too cool for the fair promise of the day-time.

ENTERTAINMENTS .- Vather GAVAZZI will lecture to night on the "Papal System, its Intolerance and Slavery. - An EXHIBITION of the BEAF and DUMB takes

place this evening, at Niblo's. - Dr. Boynton gives another Philosophical Enter taloment this afternoon. - Dr. Wigging lectures at the Brooklyn Institute,

this evening.

-At the BROADWAY, "The Lady of Lyons"

Diamond Cut Diamond." -At WALLACK's, for the benefit of Mrs. Stephens, a universal favorite, "The Road to Ruin" and "The Rough Diamond,"

-At BURTON'S, "Charles XII," "Poor Pillicoddy," and "Luke the Laborer."

-At the St. CHARLES, "Eveleen Wilson" and -At BARNUM'S, in the afternoon, the Roman Broth ers-excellent performers-" Allow Me to Apologise

and "The Irish Tutor." Evening, the Roman Brothers and "The Six Degrees of Crime." -At the Cracus, for the benefit of Mr. I. Burtiss, a

variety of comic and surprising entertainments. -At Woop's, Ethiopianisms of a high order in great

-Prof. HELLES has reopened his Saloon of Wonders with a variety of new features.

-Mr. Owens exhibits, at 539 Broadway, his "Alpine Rambles, and Ascent of Mont Blanc." -RISLEY's fine Panorama of the River Thames re-

mains on exhibition for this week only. -BANVARD's Holy Land is still a popular feature of

-Sannsond's Panorama of the Mississippi is exhibited at Metropolitan Hall.

-The Egyptian Museum is a favorite resort for levers of the curious. The Washington Exhibition of Aur is open to

the public at the old Art-Union Rooms. -The Studio Curioso, No. 629 Broadway is worth a

Madame Sontag has had overwhelming success in Philadelphia, in the character of Lucrezia Borgis. The excitement of the audience, is related by temperate authority, to have been unparalleled.

The attention of all who are interested in promoting the welfare of the Deaf and Dumb, is called to the advertisement of the exhibition which is to be given by the pupils of our Institution, this evening, at Niblo's, under the direction of Dr. Peet, who desires, with the net proceeds thereof, to help forward the project of establishing a church for those persons in our midst who are deprived of the privilege of at tending public worship in the ordinary way. We trust that Dr. Peet's praiseworthy efforts will be generously seconded by a crowded audience on this oc The Asia sailed for Liverpool yester-

day with 110 passengers, among whom were six clergymen, viz : Rev. J. V. Henry, Jersey City : Rev. D. base, Philadelphia; Rev. W. G. Rooker, Kentucky; Rev. G. Nugent, England; Rev. Dr. Cook and Rev.

Arrangements are made whereby passengers may go from New-York to Buffalo in 14 hours, by way of the Central Roads. A Lightning Line will run from Albany to Buffalo in ten hours

Gov. Doty of Wisconsin, Hon. J. B. Macy of the same State, and Hon. Volney H. Howard of Texas, left the Metropolitan Hotel yesterday-Gov. D. for Washington, and the others for home.

DUST AN INVOCATION AND IMPRECATION. By a Sufferer who was too blind to write before the late rain

Addressed to the Commissioner of Lamps and Streets. Hold! Dread Commissioner! hold! spare, spare

Spare, spare our sweethearts, whom we want for Spare our fond sisters, brothers, dear mamas, Spare our fond sisters, brothers, dear mamas, Unnumbered cousins, and our stern papes! Spare, too, the stranger, now within our gate! Oh! let these borrors once for all abate! Cease, we implore this fatal plague of dust! See where we bend the knee, since bend we must! Why, why before our mortal race be run Should we thus mingle with the dust! O Sun, And Moon and Stars, why look ye dim and faint! Is it with dust or grief at our sad plaint! Deed Lord Commissioner! Tyrant of the Town! And Moon and Stars, why look ye dim and issue?

Is it with dust or grief at our sad plaint?

Dread Lord Commissioner? Tyrant of the Town!

Behold us crouching 'neath thy awful frown,

In thine own cherished dust all humbled down!

What wrong have we contrived with hands or tongues
That thou shouldst vex and rasp our wheezing

lurgs !
Hast them no windpipe ! larynx ! bronchial ways!
No breathing apparatus in these days !
Hast them no nose su ject to ittillation
Or, when dust-packed, to beastly sibillation! Or, when dust-packed, to be actly stondard.

Art thou some monstrous creature dust derived Dust-loving, dust-devouring and dust-wived? Art thou some monstrous creature dust derived, Dust-loving, dust-devouring and dust-wived; Dust-loving, dust-devouring and dust-wived; Dust-to-court thy mistress in a dense dust-cloud As Jove once courted in a vapory shroud; Say, art thou human; has thou any soul; Dos't winder, dust-bewrapped, from pole to pole; Art clad in pepper and said; in dusty mail! What art thou! speak! lift, lift thy dusty veil, Although, we shrink, with horror at the sight, And gasp, as if dust-choked, with wild affright! Tremendens Dustman; Genus of that fue, Oring with pain along our crusted eyes, While heavy greans and suspirations rise! Tremendous Dustman, hark while we implore—No! no! Great Heavens, let's supplicate no more For one, at least, my manhood now shall cease To blush at sueing for a dustless peace. Yes, vile Commissioner! to thy dusty face Herre's one defies thee and thy dusty race; Who dares to tell how utterly he loathes. Here's one defeas thee and thy dusty race; Who dares totell how utterly he loathes. That dusty officer who dusts our clothes—Who with his dreadful dust obstructs each pore, With dust assails us at the open door, With dust attacks us in the front and rear, No matter where we turn or where we steer. From dusty morn and noon all dusty night, I hate these with a black, a deadly spite; hate thee even in my very dreams, Secause they're filled with dust, wherein there seems because they could be a state of the state o And, in her liquid eyes of heavenly blue, Look like a dust sprite of a spectral hue. Hold, Street Commissioner! said I, liquid eyes? Aye—but from what does that sad moisture rise

Aye—but from what does that and moisture rise! It is not beauty's liquidness I see,
It is not beauty's liquidness I see,
This thy brute-dust that makes them trickle so,
From each dimmed orb makes bitter waters flow,
Their light divine obscures and dulls their glow.
Oh, wretch! dust other things, dust, dust the skies,
But spare and dust not those angelic eyes!
I hate thee still as, stopping to converse,
And in her ears gay tritles to rehearse.
Convulsive twitchings, seizing on my nose. And in her cars gay trines to rehearse.
Convoleive twitchings, seizing on my nose.
Bring my remarks abruptly to a close,
While triple claps of thundring Sternutation
Reduce the lady to a situation
Of cruel pay as abruptle to be convoluted. Reduce the lady to a situation
Of cruel parn, as, struggling to be grave,
She almost splits her boddice, and I rave.
Twas thy dust did it, base Commissioner, thine:
May furies lash thee with a cat o nine—
Tails huge, enormous, made of strips of steel,
That is, if in thy nature aught can feel!
I hate thee in that hour of dreaded ill
When the grim tailor leaves his grimmer bill,
To find beneeth thy rule that longer still,
By dust extended, grows that failor's bill.
I hate thee when I mount my charger's back—
A hired brute, but still a splendid hack—
Superbly prancing, and superbly black— A hired brute, but still a splendid hack—Superbly prancing, and superbly black—Intending in the streets to show a grace, Most able horsemanship and—classic face, But woeful spite! instead of a sensation A dust is all I raise by "equitation," Thro which the keenest eye of city belle Can nought discern to make her bosom swell—Can nothing see but a gray bobbing couple, A ghostly man and horse that seem in trouble. I hate thee as I view my hat so shocking, Grown prematurely old by constant knocking With a ratten to put the dust to rout, Which gathers just as fast as it's knocked out. I hate—but pehaw! why scribble catalogues Of evils far ournumbering all the frogs I hate—but pshaw! why scribble catalogues Of crils far outnumbering all the frogs That once infested Egypt's stubborn land When stiffnecked Pharach held the high con-Oh bad Commissioner, like that tyrant king, Yet may at thou learn thou art a human thing

Yet may st thou learn thou art a forman using:
That mighty as thou art in self-esteem
Some power exists to break thy haughty dream—
To make thee know thou art of earthly mold
And not a god, unmastered, uncontrolled!
And after death, Oh, may it be thy fate—
Who used no besom in this mortal state,
Who would not sweep when gasping thousands
prayed Who could not sweep when gasping thousan prayed and begged, beseeching for that besom's aid— Oh, may it be thy fate through boundless space, Or some unheard of and chaotic place, Where blinding, choking, furious storms of dust Whirl, rush and mingle, rage with strife accurst, Forever on a broomstick to be driven, shrishing and screening, lost and unforgiven. Shricking and screaming, lost and unforgiven.

MISERRIMUS. CORPORATION SALE .- A sale of property, for unpaid assessments, commences on Friday, 8th inst., at the City Hall.

The Knickerbocker Bank removed yesterday to their new building, corner of Eighth av. and Fourteenth et.

Dr. McCartee, of Newburgh has reeived a unanimous call from his old congregation of the Canal-st. Church in this City.

Rev. Joseph W. Pierson, of this City, has received and accepted a call to become Rector of Christ Church, Waukegan, Illinois.

MACHINISTS' MASS DEMONSTRATION .- There was a very large and enthusiastic meeting of Machinists at Military Hall, Bowery, last evening, held with reference to the movement for an advance of wages. The hall was crowded. At least 500 Machinists were there. The meeting was conducted in an orderly but spirited manner; and the speakers were able and forcible. Thes. Van Ambridge presided, and Samuel C. Maxwell was Secretary. The Chairman stated that at a previous meeting they had resolved upon an advance f wages, amounting to 10 per cent. on the scale. Committees were appointed to draft the new scale; also, to distribute circulars among the Machinists. Reports were received from Committees of the decision f employers, seme of whom acceded to the advance and others declined.

The meeting resolved unanimously that in shops where the advance was not complied with by Saturday, there would be astrike on Monday next. Considerable discussion took place between the various speakers, as to the best mode of advancing the object of wages, and machinists were urged to support manfully the move-ment for a fair compensation, and for a necessary advance in common with nearly all kinds of employment. it, was resolved to meet again on Saturday evening, af ter which the meeting adjourned.

A WOMAN ACCIDENTALLY SHOT BY HER HUSBAND -Shortly after 2 o'clock on Tuesday afternoon, Mrs. Isabella Gallagher, wife of John Gallagher, residing at No. 88 West Eighteenth st., was shot by a pistol loaded with ball in the hands of her husband and fied about five hours afterward. Gallagher was subsequently arrested by Officer Havens, of the Sixteenth Ward, and held to await the result of a Coroner's inquisition upon the body. He stated that the occurrence was purely accidental-that he went to a bureau draw er to look for a notice which he had previously received from the Croton Water Department, the pistois lying at the time in the drawer; he took the pistols in his left hand, and while searching for the paper with the other one of the pistols slipped from his grasp, and striking the other was discharged, the ball from it entering his wife's wrist and thence into her abdomen. She immediately oried out that she was shot, and her husband, after calling in a female acquaintance who lived in the same house, ran for a physician. Coroner O'Donnell yesterday afternoon held an inquest upon the body. Several witnesses were sworn, and all testified to the good character of Gallagher. He had lived in the neighborhood for apward of twenty years, and was a hard-working and peaceable man. He had been married to the deceased but about two years, and her brother, a lad about 14 years of age, testised that they lived happity together, he having been an inmate of the family since his sister's marriage. The neighbors also testified that they never heard them quarrel. The Jury, bowever, deemed that he had been guilty of gross carelessness in having losded pistols in the drawer and rendered the following verdict: "That the

deceased came to her death by the accidental discharge of a pistol, by what means to the Jury unknown. Th Jury are unanimously of the opinion that the accident was the result of unpardonable carelessness. We fur thermore entirely exonerate John Gallagher from any obarge of evil intent." Deceased was a native of Ireland, 24 years of age. She leaves no children.

DECISION AS TO JURISDICTION OF RECORDER. In the case of John J. Hicks, brought before Judge Morris, of the Supreme Court, on a writ of Habeas Corpus, and his discharge from custody asked for, he having been committed by the Recorder for refuing to be sworn as a witness on the investigation be fore that officer of alleged misconduct on the part of certain parties, Judge M. delivered an opinion vesterday forenoon, in which he held that sufficient was not shown by the complaint to give the Recorder jurisdic-tion, and directed that Mr. H be discharged.

ACCIDENT TO THE FULTON FERRY-BOAT BEDFORD .- During the early part of last evening the ferry-boat Bedford ran in contact with the pier on this side, and was greatly damaged. From appearances, she struck sideways. The wheel-house on the side occupied as the ladies' cabin was almost entirely carried away and the machinery broken. The floor was ripped up for several feet, and the benches on both sides of the wheel-house were smashed in pieces. Although the damage is great, no person is supposed to have been injured.

BOARD OF ALDERMEN.-This Board met last evening. There was a large amount of business got through without any debate of interest. There was a petition presented from the late Assessors which was not read, but was ordered to be printed. It was understood the petitioners complain of having been removed from office before they had time to fin ish the assessments on which they were engaged, but as the work was nearly perfected when their successors came into office, that the latter would thus be allowed to enjoy the benefit of their labors, and they claim compensation for the entire work, as if it had been completed by them.

Among the Resolutions presented, was the following Among the Resolutions presented, we be showing by Ald. Barr:
Resolved, That the Controller be and is hereby requested to report to this Board with all convenient dispatch the amount of all moneys paid Robert Emmett, Esq., for any and all purposes and for all services while acting as Corporation Councel, designating in a general manner the particular sums paid for different services and by whom authorized.

ANNUAL REPORT OF THE "SAILOR'S SNUG HARBOR."-The annual report of this Institution has just been submitted to the Common Council and placed on file. We glean from it the following statistics: The balance of cash on hand on December 31, 1851, was \$1,357 27; the receipts during the year, including this balance, amounted to \$98,084 63. The funds stand thus: bond and mortgages, \$55,480; cash \$3.817 73. The disbursements during the year, were, \$08,084 63, including \$3,817 73, the cash balance on Dec. 31, 1852. Of the sum disbursed, \$8,000 was paid the "Society for the Relief of the Destkute Children of Seamen," on bond and mortgage. \$34,550 38 were paid on account of the Hospital recently erected on the premises of the "Snug Harbor" on Staten Island The salaries paid to the Governor, Treasurer, Secretary, Chaplain, Physician and Agent amounted to \$8,458 33. The "Snug Harbor" is a charitable lastitution of long standing. It is for the benefit of seafaring persons and their children and widows.

NEW-YORK VOLUNTEERS .- There was a meeting of the New-York Volunteers at the Mercer-st. House last ovening, pursuant to adjournment from the 19th ult. Lieut, Israel Miller presided. The Secretary was Serjeant Wm. Peale.

The Relief Committee reported twenty men destitute, and in almost a starving condition. Some relief has been afforded them. A Committee was appointed to sell the tickets for the benefit to be given the funds of the Volunteers by Dr. Valentine, whose invitation was accepted by the regiment, which will attend at Hope Chapel in uniform, this evening, at the prope benefit. Col. Burnet reported \$200 as part of the receipts from the benefit given by Heller. After some further business they adjourne

WORLD'S TEMPERANCE CONVENTION.-The undersigned, in concurrence with a resolution of the Massachusetts Temperance Convention, respectfully invite the friends of Temperance in each Sta Canada, to appoint some person or persons to meet la the City of New-York, on Thursday, the 19th of May next, at 9 A. M., to make arrangements for the holding of a great Temperance Convention in said City, during the World's Fair. Place of meeting will be duly no tified. All communications relative to such Convention may be addressed to Rev. E. W. Jackson, Phila-

delphia. Papers friendly will please copy.
R. H. WALWORTH, of N. Y. A. C. BARSTOW, of R. L.
SAMUEL LUCKEY, on Y. F. B. BETTS, of N. J.
JOHN MARSH of N. Y.
FEAL DOW, of Me.
S. F. CAREY, of Ohio.
THOS. R. JONES, of N. H.
E. W. HIGGINSON, of Mass.
—#OHN DOUGAL, of Montreal.

New York, April 6, 1853. CADETS OF TEMPERANCE. - There was a public demonstration at the Stanton-st. Baptist Church last evening, of the Mount Vernon Section No. 1 of

Cadets of Temperance. The house was filled by the audience. There were about 75 members of the Sec tion presenf in regalia. Several gentlemen were upon the platform, and banners were displayed. Able tem-perance speeches were made by Hon. S. L. Macomber, Col. E. L. Snow, and Mr. Haydock, the ex wood saw yer. There were, also, dialogues by members: The Maine Liquor Law, by four members; Sixpenny Liquor, by six members ; and the Tectotal Mill was given by one member. There were other exercises, and, altogether, the occasion was interesting

MEKTING OF RECHABITES .- A public meeting of Clinton Tent, No. 18, of the Independent Order of Rechabites, was held last evening, at their rooms, No. 187 Bowery. Members of the Order in regalia, and many gentlemen and ladies, were present. Tem perance speeches were made by Rev. Mr. Hibbard and Prof. Sweetman. There was singing and other exer-

FIRE IN WEST MORRISANIA .- On Tuesday evening, about 9 o'clock, a large and beautiful dwelling house at West Morrisania, belonging to H. Lewis, Esq. of this City, was discovered to be on fire, and in a few hours, was a mass of ruins. The house was the cente building of three of the same style of architecture and finish, belonging to the same gentleman. The remaining two were only saved from a similar fate by the extraordinary exertions of the firemen. The origin of the fire is unknown, nor do we know whether there was any insurance on the building destroyed The three houses were nearly ready for occupancy

NEW-YORK HISTORICAL SOCIETY .- The regular monthly meeting of this Society was held on Tue day evening, at their rooms in the University. Hon-Luther Bredish occupied the Chair, supported by Rev. Dr. De Witt and Frederick de Peyster, Esq. In calling the meeting to order, the Chairman said that since he last had the honor to address this Society, he had received a medallion likeness, in bronze, struck in hono of HENRY CLAY, and presented to that distinguished citizen shortly before his death. This medal presents upon its face an exceedingly good likeness of that dis tinguished statesman. Upon its reverse is a brief record of some of those great events passing during his tinguished statesman. Upon its reverse is a street record of some of those great events passing during his times, and the leading measures of his Government is which he participated. These are beautifully closed is a wreath composed of the six great staple products of the country, namely: wheat, rice, exite, n, tobacco, hear and corn. As a work of art, it is exceedingly creditable to its maker. As a memorial to the memory of him in honer of whom it was struck, it is allow honorable to those who gave it and to him who received it. As a rese historic relic it is a valuable addition to our cabinet. The name of Henry Clay is especially a name of History So largely did he participate in most of the great creats of his day, that the biography of Clay may be traly said to comprise a large portion of his country's history, and, so long as brilliant talent shall continue to arrest admiration, and pure patriotism and distinguished public services receive their just acknowledgment, so long will the name of Hexary Clay continue to live, not merely in history, but in the grateful recollection and is the affections of his country.

Rev. Dr. Adams offered a resolution expressive of the thanks of the Society for this valuable memorial of the great statesman, which was unanimously adopted. After the transaction of some further business, and the realing of the minutes of the last meeting, the Chairman traduced the lecturer of the evening, John C. Deversix, Esq., who proceeded to read a paper on William Priss, as Lawgier. Stateman, and, calmently, the Apoulle of